

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

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U.S. DISTRICT COURT
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Case No. 3:97-CR-00074-DRD-6, P.R.
USA v. Perez-Cruz, et al.

UNITED STATES OF AMERICA,
Plaintiff,
vs.
RONALD BARRIOS-GARCIA,
Defendant.

EX PARTE REQUEST FOR STATUS REPORT
AND EX PARTE MOTION FOR AN AMENDED JUDGMENT

COMES NOW the Defendant, Ronald Barrios-Garcia, (hereinafter "Defendant") and moves this court for a status report and also moves this court for an amended judgment to his Judgment and Commitment Order. In support of the aforementioned request the Defendant states as follows:

Background History

On April 15, 1998, the defendant was charged with a superseding indictment in Count Two for conspiring with numerous other defendants to distribute multi-kilogram quantities of controlled substances, in excess of five (5) kilograms of cocaine; in excess of five (5) kilograms of cocaine base; and in excess of one hundred (100) kilograms of marijuana, all in violation of Title 21 U.S.C. §§841 and 846. See Docket Entry No. 229.

On November 9, 1998, pursuant to a plea agreement, Defendant pled guilty before the Honorable Judge Daniel R. Dominguez, wherein the district court accepted the plea. See Docket Entry No. 370.

Thereafter, on August 17, 1999, the Defendant was sentenced to a term of imprisonment of 292 months, with a deduction of sixteen (16) months, for time he had spent in local custody, for a total of 276 months, to be served concurrent with his State sentence. See Docket Entry No. 492.

Subsequent to the aforementioned proceedings, the Defendant, through his counsel, filed a timely Notice of Appeal. See Docket Entry No. 497 & 522.

Following the filing of his timely Notice of Appeal, the Defendant's attorney, Victor P. Miranda-Corrada, was reappointed for appellate purposes on October 6, 1999.

Thereafter, on or about November, 1999, the Defendant was detained by the State Department of Corrections to carry out the remainder of a previously imposed State sentence, imposed prior to the Federal sentence.

Subsequent to having been detained by the State Department of Corrections and carrying out Defendant's State sentence up until April 23, 2004, the Defendant was then re-detained by the U.S. Marshals to continue his Federal sentence.

In the interim to the above mentioned facts, the Defendant lost communication with Attorney Miranda-Corrada.

Thereafter, the Defendant believes that a brief was filed by counsel with the First Circuit Court of Appeals. The Appellate Court then remanded the Defendant's case for a resentencing to reduce the "Supervised Release" portion of his sentence to five (5) years. See Docket Entry No. 527 & 529.

The Defendant was not aware of this remand by the Appellate Court until he received a copy of his Docket Entry Sheet from the court.

Up until the present time, the Defendant has not been notified when he will be resentenced, nor has the Defendant received an Amended Judgment correcting the basis on which the Appellate Court mandated that the Defendant's sentence be remanded for resentencing.

**THE DEFENDANT, RONALD BARRIOS-GARCIA'S JUDGMENT
SHOULD BE AMENDED TO REFLECT THE APPELLATE
COURT'S JUDGMENT FOR RESENTENCING**

The Defendant respectfully moves this court for an Order transferring him back to the U.S. District Court for the District of Puerto Rico for his resentencing hearing, or alternatively, the Defendant asks this Court for an Amended Judgment. The aforedescribed is needed so that the Bureau of Prisons (BOP) can correct the Defendant's Computation Data Sheet.

Additionally, the Defendant states that he has been patiently awaiting his resentencing hearing as indicated in the Docket Entry sheet. See Docket Entry No. 527 & 529. Moreover, the Defendant intends to collaterally attack his conviction and sentence through a Title 28 U.S.C. §2255 motion, but is unable to do so without a resentencing hearing or an Amended Judgment from this court.

CONCLUSION

Thus, for all the aforementioned reasons, the Defendant moves this Honorable Court for an Ex Parte Order Amending his Judgment as per the Appellate Court's judgment, or for any relief this Court deems just and proper in this premise.

Respectfully Submitted,



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